

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

CLYDE AMOS DAVIS, III,

Plaintiff,

vs.

BUTTE-SILVER BOW DETENTION
CENTER, ED LESTER, and
DR. GREER,

Defendants.

CV 16-52-BU-BMM

ORDER

Plaintiff Clyde Amos Davis, III (Davis) filed a Complaint *pro se* on October 11, 2016. (Doc. 2). The named Defendants include Butte-Silver Bow Detention Center, Sheriff Ed Lester and Dr. Greer. (Doc. 2 at 4-5). Davis alleges that the Defendants violated his rights under the United States Constitution in contravention of 42 U.S.C. § 1983 by denying him necessary medical care while he was incarcerated at the Butte-Silver Bow Detention Center. (Doc. 2).

United States Magistrate Judge Jeremiah C. Lynch conducted an initial screening of Davis's Complaint under 28 U.S.C. § 1915 on November 2, 2016. Judge Lynch determined that the Complaint failed to state a claim upon which relief may be granted. (Doc. 7). Judge Lynch explained why the Complaint failed to state a cognizable claim for relief. (Doc. 7 at 5-11). Judge Lynch gave Davis an

opportunity to cure the defects in his Complaint. Judge Lynch directed Davis to file an amended complaint on or before December 2, 2016. (Doc. 7 at 15). Davis did not file an amended complaint.

Judge Lynch issued Findings and Recommendations in this matter on December 9, 2016. (Doc. 9). Judge Lynch recommended that Davis's Complaint be dismissed for failure to state a claim. (Doc. 9 at 1). Davis moved for additional time to file objections to Judge Lynch's Findings and Recommendations. (Doc. 11). The Court granted Davis's motion. (Doc. 12). The Court informed Davis that he must file any objections to Judge Lynch's Findings and Recommendations on or before February 24, 2017. (Doc. 12 at 2). Davis did not file objections to Judge Lynch's Findings and Recommendations.

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Davis's Complaint (Doc. 2) is DISMISSED with prejudice.
2. The filing of this action counts as one strike for failure to state a claim.

28 U.S.C. § 1915(g).

3. Any appeal of this decision would not be taken in good faith as Davis's Complaint is frivolous as it lacks arguable substance in law or fact.

4. The Clerk is directed to enter judgment accordingly.

DATED this 9th day of March, 2017.



Brian Morris
United States District Court Judge